

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, March 4, 2014

10:00 AM

Commission Chambers

Civil Service Board

*Gerald Silverman, Chairperson
Sean Moy, Chief Examiner
Lillie Harris, Board Member
Javier Baños, Board Member
William W. Riley, Jr., Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:02 a.m. The roll call at the commencement of the meeting was as follows:

Present: Chairperson Silverman, Chief Examiner Moy, Member Harris, Member Baños and Member Riley, Jr.

A. APPROVING THE MINUTES OF:

Regular Meeting of February 18, 2014.

**Motion by Member Baños, seconded by Chief Examiner Moy, to APPROVE.
PASSED by the following vote.**

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

B. PERSONNEL MATTERS

- B.1** A copy of a memorandum from Amy Klose, Director, Department of Human Resources, confirming receipt of the request of Moralinda Altamirano, Assistant Supervisor of Payroll, to voluntary return to her former classification. Moralinda Altamirano is returning to Payroll Specialist, effective February 24, 2014. (NOTIFICATION)

NOTIFIED

C. MILITARY LEAVES OF ABSENCE**D. DISCIPLINARY MATTERS**

- D.1** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Winsor Lozano, Police Sergeant, of his 10-hour forfeiture, effective February 21, 2014. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Ofren Vera, Police Officer, of his 40-hour forfeiture, effective February 25, 2014. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying William Gonzalez, Police Officer, of his 200-hour forfeiture, effective February 25, 2014. (NOTIFICATION)

NOTIFIED

- D.4** Copy of a letter from Henry Torre, Director, Department of Public Facilities, notifying Judith Marsie-Hazen, Senior Project Representative, of her 3-day suspension, effective February 26, 2014. (NOTIFICATION)

NOTIFIED**E. GENERAL ITEMS**

- E.1 Copy of a Settlement Agreement concerning the Appeal hearing on behalf of Clifford Holzendorf Jr., Waste Collector Operator, concerning his 10-day suspension, effective September 16, 2013. (NOTIFICATION)

NOTIFIED : Case will be closed and removed from the Board's docket.

F. REPORTS

- F.1 Pending Hearings as of March 4, 2014. (NOTIFICATION)

PRESENTED**G. REQUESTS FOR HEARINGS****H. TODAY'S HEARINGS**

- H.1 Hearing of Appeal on behalf of Terrel Cheever, Emergency Dispatcher Assistant, concerning his Termination, effective October 31, 2012.
- Chairman Silverman called for the hearing and asked Mr. Braverman if he represented Mr. Cheever. Attorney Michael Braverman appeared before the Board and responded in the affirmative. He went on to say that he is prepared to go forward today with the hearing.*
- Chairman Silverman asked if the City was ready. Iliana Forte, Assistant City Attorney (ACA) responded in the affirmative, and added that she did not see any of her witnesses.*
- Chairman Silverman advised that before the Board proceeded with the case he wanted to review the procedure that the Board has for Appeal hearings. He went on to explain that the hearing would be conducted in two parts; the first part to determine whether the employee was guilty of the charges, and if not, the hearing would end. He further explained that if the employee was found guilty of any of the charges, the Board would proceed into the second portion of the hearing which is the penalty phase. He went on to state that at the conclusion of the testimony and evidence on the penalty the Board would make a recommendation to the City Manager as to a proper penalty; and that the City Manager [in accordance with Rule 14, will then sustain, reverse or modify the action of the Department Director].*
- The attorneys stated their appearances for the record.*
- Iliana Forte, Assistant City Attorney, Office of the City Attorney represented the Department.*
- Michael Braverman, Attorney, represented Terrel Cheever, the Appellant.*
- Opening statements were presented by the attorneys.*

Chairman Silverman asked to proceed with the first witness. Assistant City Attorney Forte stated that she did not see any witnesses at the hearing and asked to give them a few minutes to appear.

Chairman Silverman asked ACA Forte how long she thought the case would take. ACA Forte responded that she thinks the case can be concluded today but the witness were not here so she was not sure. Chairman Silverman also asked Mr. Braverman if the case would be concluded today. Mr. Braverman responded in the affirmative.

Following a short break, witnesses for the Department appeared in the following order:

1. Anita Najiy, Assistant Chief, Department of Police. Questions were posed by Chairman Silverman to witness Najiy. Following Chief Najiy's responses, Chairman Silverman reminded ACA Forte that this matter is being heard in two parts, and explained the process again. Chairman Silverman reiterated that Assistant Chief Najiy may testify if the case goes into the penalty portion, about the Appellant's prior work record, history and prior discipline. Chairman Silverman then excused the witness and instructed her to come back later if the case moved into the penalty phase.

Once the other witnesses appeared at the hearing, the Rule of Witnesses was invoked, and each witness was sworn in individually. The witnesses for the Department continued in the following order:

2. Dawn Budham, Emergency Dispatch Supervisor, Communications Unit, Department of Police. Questions were posed by Members Banos, Moy, Riley and Harris during the testimony of Dawn Budham.

The Department rested its case.

Witnesses for the Appellant appeared in the following order:

1. Terrel Cheever, Appellant, testified on his own behalf. Questions were posed by Member Harris during the testimony of Terrel Cheever.

The Appellant rested its case.

The Board proceeded to closing arguments, which were presented by both attorneys. Following final argument, Board discussion took place.

Chairman Silverman stated that in his opinion, the Department overcharged the employee, and to say whether or not the employee was sleeping does not take 14 charges.

There being no further discussion, the Board entered a Motion of NOT GUILTY on charge 1 -Departmental Order 1, Chapter 11.6.13.2 - Effort of Civilian Employees, which resulted as follows:

Motion by Member Baños, seconded by Chief Examiner Moy, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered a motion to find the appellant GUILTY of Charge #2, D.O. 1, Ch. 11.6.17.9 - Neglect/Inattention to Duty. The motion resulted as follows:

Motion by Member Baños, seconded by Chief Examiner Moy, that this matter be APPROVED. PASSED by the following vote.

Aye: Silverman, Moy and Baños

No: Riley, Jr. and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #3, D.O. 1, Ch. 11.6.18.2 - Duty Responsibilities. The motion resulted as follows:

Motion by Member Baños, seconded by Chief Examiner Moy, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered into a motion to find the Appellant GUILTY of Charge #4, D.O. 1, Ch. 11.6.28.3 - Civilian Employees to Conform. The motion died for lack of a second. The motion having died, the Board entered a motion to find the appellant NOT GUILTY of Charge #4, which resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Riley, Jr., that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy and Harris

No: Baños

The Board entered a motion to find the appellant GUILTY of Charge #5, D.O. 1, Ch. 11.6.47 - Sleeping, Idling, Loafing. The motion resulted as follows:

Motion by Member Baños, seconded by Chairperson Silverman, that this matter be APPROVED. FAILED by the following vote.

Aye: Silverman and Baños

No: Riley, Jr., Moy and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #5, D.O. 1, Ch. 11.6.47 - Sleeping, Idling, Loafing. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Moy and Harris

No: Silverman and Baños

The Board entered a motion to find the appellant GUILTY of Charge #6, Communications S.O.P. 11.1 - Screener Duties. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Silverman, Moy and Baños

No: Riley, Jr. and Harris

Hearing of Appeal on behalf of Terrel Cheever, Emergency Dispatcher Assistant, concerning his Termination, effective October 31, 2012.

The Board entered a motion to find the appellant NOT GUILTY of Charge #7, Communications S.O.P. 11.1.A - Potential Life Threatening. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #8, Communications S.O.P. 11.II - Emergency Calls. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #9, Communications S.O.P. 11.II.A - Appropriate Language Required. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #10, Communications S.O.P. 11.II.B - Assistance of AT&T Language. The motion resulted as follows:

Motion by Member Baños, seconded by Chief Examiner Moy, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #11, Communications S.O.P. 11.II.C - Transfer Calls. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #12, Civil Service Rule 14.2(e)1 - Act of Insubordination. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Baños, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

The Board entered a motion to find the appellant GUILTY of Charge #13, D.O. 1, Ch. 11.6.47 - Civil Service Rule 14.2(e)2 - Breach of Proper Discipline. The motion resulted as follows:

Motion by Member Baños, seconded by Chairperson Silverman, that this matter be APPROVED. FAILED by the following vote.

Aye: Silverman and Baños

No: Riley, Jr., Moy and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #13, Civil Service Rule 14.2(e)2 - Breach of Proper Discipline. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Moy and Harris

No: Silverman and Baños

The Board entered a motion to find the appellant GUILTY of Charge #14, Civil Service Rule 14.2(e)3 - Loss/Injury to the City. The motion resulted as follows:

Motion by Member Baños, seconded by Chairperson Silverman, that this matter be APPROVED. FAILED by the following vote.

Aye: Silverman and Baños

No: Riley, Jr., Moy and Harris

The Board entered a motion to find the appellant NOT GUILTY of Charge #14, Civil Service Rule 14.2(e)3 - Loss/Injury to the City. The motion resulted as follows:

Motion by Chief Examiner Moy, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy and Harris

No: Baños

Chairman Silverman stated that according to what he believes the Employee has been found guilty of two counts: Neglect/Inattention to Duty and Screener Duties. Chairman Silverman asked the Executive Secretary if that was correct. The Executive Secretary responded in the affirmative.

Member Harris requested to have discussion. She wanted to bring the Board members' attention to the two guilty charges, and advised that when you look at screener duties they reference calls and how they are to handle calls, yet there was no call in question. She went on to say that the issue kept coming up regarding a call and no one could say one way or the other what actually occurred in the 8 minutes and 6 seconds (when the Appellant was reportedly asleep), whether there was a call or anything of that nature. Member Harris went on to say that she wanted to bring that to the Board's attention when there is a guilty charge. She went on to say regarding the guilty charge on neglect and inattention to duty, the guilty charge on that would mean that [Mr. Cheever] would have had to have neglected or inattended something to his duty. If the Board voted him not guilty on all these other charges we don't have anything pointing to what he actually neglected or what he was inattentive to.

Member Harris made a recommendation that the Board reconsider the votes on those 2 charges. Chairman Silverman stated that the way that it works is if someone wants to change their vote then the Board will reconsider it. If not, the Board will not reconsider.

Member Banos stated that he understands that the Board did not agree with him in reference to the charge, Departmental Order 1, Chapter 11.6.47 - sleeping, idling and loafing. Member Banos went on to say he voted guilty for the screener duties and guilty for the sleeping, idling, loafing. Member Banos stated that [Ms. Budham] has no reason to lie to the Board and that it was evident from his perspective and found her testimony to be quite convincing, and that whether or not the Board wanted to play semantics and determine whether or not Ms. Budham was looking at him directly or whether she was looking to the side, Ms. Budham saw Mr. Cheever sleeping. Member Banos stated that he asked the witness specifically was he asleep, and she did not waiver on the answer. The witness stated that she did see Mr. Cheever sleeping so she got down from the bridge and went to Mr. Cheever and he was asleep. Member Banos stated that because of Mr. Cheever being asleep that is at the very least, neglect and inattention to his duties and therefore he should be found guilty of that charge, and he supports his finding on that charge and he does not agree with Member Harris' view on that matter.

Member Harris asked to address Member Banos' comments. Member Harris stated that she has no doubt in Ms. Budham's abilities, and that she has worked with Ms. Budham and she is a fine supervisor. Member Harris stated that the Board has to base its decisions on facts, and there is nothing personal to anyone or directing that they may have misconstrued what they wrote. Member Harris stated that she had doubt and felt that the City did not meet their burden. Member Harris went on to say that we have to remember that (in Appeal hearings) the burden is on the City. Member Harris went on to recount that when she asked Ms. Budham after her own testimony whether she was facing Mr. Cheever, she said repeatedly that she was facing Mr. Cheever. Ms. Harris stated that she asked several times for clarification and actually did a presentation for the Board, to determine if Ms. Budham was facing Mr. Cheever and found that the consoles are actually perpendicular to the bridge, so how was she really facing him? Member Harris stated that Ms. Budham really had more of a profile view of him; she was not facing Mr. Cheever, so there were some doubts and questions that said to her the City was not really proving that part of their burden where Ms. Budham contradicted her initial statement. Member Harris went on to say that there was testimony from Ms. Budham that Mr. Cheever was sleeping and he said he was not sleeping. Member Harris stated that was testimony and she was asking for factual information that could corroborate the statement that he was sleeping and the City was unable to present anything that was factual.

Member Banos stated that he would like to respond to Member Harris' statements so that the vote would not be changed. Member Banos stated that the real question is not whether she was facing him or not facing him or looking at his profile; the real question is whether or not Ms. Budham saw Mr. Cheever asleep. Member Banos stated that Ms. Budham did not waiver on that question; she stated that Mr. Cheever was asleep. Member Banos stated that Ms. Budham has everything to lose for lying to the Board and respectfully the defendant doesn't. He has everything to gain by taking a different position. Member Banos stated that he finds Ms. Budham's testimony to be far more trustworthy and that of the City than that of the Respondent. Member Banos went on to say that even though it's clear that the burden is on the City, the City doesn't have to provide perfect evidence. The City's burden is actually low for this process.

Member Harris stated that she does not believe Ms. Budham was lying; people could have been mistaken, and Mr. Cheever said he was not sleeping and he had his back turned. Member Harris went on to say that based on the configuration of the Communications area, what Mr. Cheever was saying tended to be more of a possibility. He could turn his chair left to right or perhaps she could have been mistaken or not. Member Harris stated that the issue for her is that Ms. Budham is saying her verbal testimony and he is countering that. Member Harris went on to say that that's the scale and what she needs to tilt the scale are some facts being that the burden of proof is on the City; it's on the City to prove or corroborate what Ms. Budham is saying. Member Harris went on to say that we need facts to tilt the scale and the burden is on the City.

Chairman Silverman stated that the Board has voted unless there is a Board member who wishes to reconsider their vote.

Member Moy stated that he is not reconsidering his vote. Member Moy went on to say that all sides have been heard and the Board has to make a decision. Member Moy remarked that the Police Department routinely overcharges the employees, and that in this case there was no evidence of inappropriate language, there was no evidence whether the call required assistance in Spanish or Creole, there was no evidence whether there was potential for life was being lost or threatened, there was no loss or injury to the City, Mr. Cheever was not transferring calls, Mr. Cheever was not insubordinate. Member Moy stated that the Board needs to stick to the facts and they all made their decisions and he is not changing his vote.

Chairman Silverman again acknowledged that the Board had voted and asked if anyone wished to change their vote on any of the charges and if not that portion of the hearing is concluded.

Attorney Braverman asked Chairman Silverman for a recitation of the votes on the two guilty charges. Chairman Silverman asked the Executive Secretary to report the votes for the two charges where Mr. Cheever was found guilty. The Executive Secretary responded that the first charge listed, D.O. 1, Chapter 11. 6.17.9 - Neglect and Inattention to Duty, the Motion for Guilty was made by Member Banos, seconded by Member Moy and voted in the following manner: Ayes: Banos, Moy and Silverman; Noes: Harris and Riley, passing 3-2. She went on to relay the votes on the second charge, which was Communications S.O.P. 11.1 - Screener Duties, and advised that the Motion for Guilty was made by member Moy, seconded by member Banos, and voted in the following manner: Ayes: Banos, Moy and Silverman; Noes: Harris and Riley, passing 3-2.

There being no further questions, the Board moved into the penalty portion of the hearing.

The Chairman read into the record details of the Appellants' personnel file which revealed the Appellant was hired on April 17, 2006 and that he received 0 commendations, 4 reprimands, and 3 suspensions.

Chairman Silverman asked the department's attorney if she wished to present witness testimony as to the penalty. ACA Forte responded in the affirmative.

Witnesses on behalf of the Department appeared in the following order:

1. Angela Glass, Emergency Dispatch Supervisor, Miami Police Department.

The Department rested.

The Appellant submitted exhibits during this phase of the hearing. The Appellant rested on rebuttal.

The Board recalled witness Dawn Budham. Questions were posed by Member Harris during the testimony of witness Budham.

The Board proceeded to closing arguments, which were presented by both attorneys.

The Board entered a motion to recommend that the City Manager SUSTAIN the Termination.

Member Harris stated that these cases are hard. One portion of the case is to determine guilty or not guilty, and if its guilty we move on to the second portion. She went on to say that in the first portion the past cannot be factored in and it's hard on the Department's side as there were many references made to Mr. Cheever's past. Member Harris stated that she respects her fellow Board members' rulings because that's what makes the system work. She went on to say that she is perplexed regarding the guilty finding on the neglect charge. Chairman Silverman asked if there was any other discussion on the penalty.

Following discussion, the motion on the floor to SUSTAIN the Termination resulted as

follows:

Motion by Member Baños, seconded by Chairperson Silverman, that this matter be APPROVED. FAILED by the following vote.

Aye: Silverman and Baños

No: Riley, Jr., Moy and Harris

Following discussion, the Board entered into a motion to RECOMMEND to the City Manager that Mr. Cheever receive a 90-DAY SUSPENSION in lieu of Termination. The motion died for lack of a second.

The motion having died, the Board proceeded to discuss the matter further.

Member Riley asked for clarification as to whether or not the burden was carried and now the Board is looking at additional items submitted into evidence as part of this evaluation. Member Riley stated that he heard the City state on numerous occasions today regarding the gravity of this event and agrees that the issues that Mr. Cheever was found guilty on are serious in nature, especially considering the job of a 9-1-1 dispatch call. Member Riley asked for clarification of City's exhibit C-4, which includes three pages of disciplinary information including allegations of sleeping and tardiness, in that from 2006 and 2012 there are some alleged violations that seem to be identical to today's hearing. Member Riley asked were the violations brought before the Board. Chairman Silverman responded that the other disciplines were not appealed. Member Riley asked for clarification of the disciplinary profile and 3 out of 5 above-average performance evaluations presented to the Board (Exhibits E1-E4).

Member Banos stated that what he finds is some times the fact that the employee has been here a number of years, things accumulate such as the speeding case reprimands. He stated that there is an accumulative factor. Member Banos went on to say that this is fairly a short period of time with a long sheet of issues for this employee. Member Banos went on to say that in this particular case you have an employee with a history of not following the rules as others do and the accumulative effect is that the City decided to terminate him; which is part of their own allegations. They focused on the last event and allegation of falling asleep and the Board has now found him guilty on 2 counts: one for neglect and one for violating his job duties. He further stated that the question is, even though the Board did not find him guilty of the other charges, does that merit given his past history, for Mr. Cheever to be terminated, suspended for 90 days as Member Moy suggested or as Member Harris was thinking of a lesser penalty.

Attorney Braverman stated that the Board has a specific document drafted by supervisors which are the exact same people that saw the employee day in and day out and they rate him on a number of specific disciplines where he is consistently rated above satisfactory in each discipline. Attorney Braverman stated that it is an accumulative effect the isolated incidents that result in suspension and the overall evaluation that shows he's an exceptional employee.

Chairman Silverman asked the Board for a motion. Following discussion, the motion on the floor to recommend that the City Manager modify Mr. Cheever's penalty to a REPRIMAND ONLY, resulted as follows:

Motion by Member Riley, Jr., seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.

Aye: Riley, Jr., Moy and Harris

No: Silverman and Baños

H.2

Hearing of Appeal on behalf of Alcides Diaz, Police Officer, relative to his 240-hour suspension, effective February 20, 2013.

The Chairman called the hearing on behalf of Alcides Diaz and asked if anyone was present to represent Officer Diaz.

Iliana Forte, Assistant City Attorney (ACA), appeared before the Board and advised that a Settlement Agreement had been reached with Attorney Eugene Gibbons, who represents Officer Diaz (Item H.2) and Officer Cadavid (Item H3). ACA Forte advised that Attorney Gibbons has the settlement documents and will return them following signature. Following discussion, the Board entered a motion to GRANT CONTINUANCES in both matters which resulted as follows:

Motion by Member Baños, seconded by Member Harris, that this matter be CONTINUED

PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

H.3

Hearing of Appeal on behalf of Michael Cadavid, Police Officer, relative to his 40-hour suspension, effective February 26, 2013.

Iliana Forte, Assistant City Attorney (ACA), appeared before the Board and advised that a Settlement Agreement had been reached with Attorney Eugene Gibbons, who represents Michael Cadavid. ACA Forte advised the Board that Attorney Gibbons has the settlement documents and will return them following signature. Following discussion, the Board entered a motion to GRANT CONTINUANCES in this case which resulted as follows:

Motion by Member Baños, seconded by Member Harris, that this matter be CONTINUED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

H.4

Hearing of Appeal on behalf of Silvia Benitez, Emergency Dispatcher, relative to her 120-hour suspension, effective May 27, 2013.

Michael Braverman, attorney on behalf Sylvia Benitez, Emergency Dispatcher, appeared before the Board and advised he has received an offer of settlement from the Department; however, there are negotiations going back and forth. Attorney Braverman requested a continuance until the settlement agreement is completed.

Chairman Silverman asked the Department if she objected to a continuance. Assistant City Attorney Forte responded in the negative.

Following discussion, the Board entered a Motion to CONTINUE this hearing which resulted as follows:

Motion by Member Baños, seconded by Member Harris, that this matter be CONTINUED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

H.5

Hearing of Appeal on behalf of Francisco Gonzalez, Zoning Plans Reviewer, concerning his 1-day suspension, effective December 2, 2013.

Chairman Silverman asked Attorney Braverman if Mr. Francisco Gonzalez was his

client. Attorney Braverman responded in the affirmative. Attorney Braverman asked the Board for a continuance in the case.

Chairman Silverman asked the Department if she objected to a continuance. Assistant City Attorney Forte responded in the negative.

Chairman Silverman asked the Board if there was any further discussion on this matter. Member Moy asked if this was a Joint Continuance and was this the first one in this matter. Attorney Braverman and Assistant City Attorney Forte responded in the affirmative.

Following discussion, the Board entered a motion to GRANT the JOINT CONTINUANCE which resulted as follows:

Motion by Member Baños, seconded by Member Harris, that this matter be CONTINUED. PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

ADJOURNMENT:

The meeting adjourned at 1:55 p.m.

SIGNATURE:

Gerald Silverman, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary